

Exhibit 34

Declaration of Eric Rassbach

Student Conduct Code

 deanofstudents.ucla.edu/individual-student-code

View the [previous Student Conduct Code](#) for cases prior to January 15, 2021

Introduction

In order to carry out the objectives of teaching, research, and public service, the University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as the responsibilities, of those who comprise the University community. UCLA students assume these privileges and responsibilities upon admission and cannot use ignorance of these policies as a justification for violating community standards.

UCLA's reputation for academic excellence and institutional integrity is among our most valued assets; as such, academic integrity is of paramount importance to our institution and it is vital that the institution do all within our power to maintain these standards.

As a leader in health and health care, as well as environmental research, policy, practice, and education, UCLA has implemented a Tobacco-Free policy to create a healthy environment for all those who learn, work, and spend much of their time at UCLA. See [UCLA Policy 810 – Tobacco-Free Environment](#).

Guided by our [UCLA Principles of Community](#), we strive to provide and maintain an inclusive excellence that encompasses our high academic standards and the recognition that diversity is essential to maintaining this standard of excellence.

Students are members of both society and the academic community with attendant rights and responsibilities. Students are expected to make themselves aware of and comply with the law, and with University and campus policies and regulations. While many of UCLA's policies and regulations parallel federal, state and local laws, UCLA's standards may be set higher.

The regulations within the *UCLA Student Conduct Code* ("Code") have been developed to create and maintain a safe, supportive, and inclusive campus community that engages students in order to foster their academic success, personal growth and responsible citizenship. Students are considered to be maturing adults, capable of making their own decisions, as well as accepting the consequences for those decisions. The student conduct process has been established to respond to incidents involving allegations of prohibited

behavior within our community. This process provides educational opportunities which encourage students to evaluate their own actions, consider their own decision making, and acquire new skills to improve their choices in the future.

The University of California Policy on Sexual Violence and Sexual Harassment and University of California Policies Applying to Campus Activities, Organizations, and Students (UC PACAOS) have been incorporated into the UCLA Student Conduct Code either by adapting or inserting verbatim the language of the policies.

Under the UCLA Student Group Conduct Code, Student Groups may be subject to disciplinary action as a result of actions of individual members of the group while acting in concert with or representing the group. Individual students can also be held accountable for their individual behavior as part of a group, as student group leaders, or signatories for the consequences of a group's programs, activities, or behaviors.

In accordance with applicable Federal and State law and University policy, UCLA does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, gender expression, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. The University also prohibits sexual harassment. This nondiscrimination policy covers admission and access to as well as behaviors in all University programs and activities, including the programs and activities sponsored by Student Groups.

Students may contact the Office of Student Conduct or Student Legal Services for more information concerning these policies.

I. Definitions

A. Advisor

An Advisor is any individual accompanying a Student throughout the review process. The Advisor may be any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the review process. A Student may be accompanied by their Advisor at any meeting or proceeding that is part of the review process. While the Advisor may provide support, guidance and advice to the Student that the Advisor is accompanying, the Advisor may not speak on behalf of the Student or otherwise actively participate in, or in any manner disrupt any meetings or proceeding.

B. Campus

The term “campus” means a University of California location, including the Office of the President, the Division of Agriculture and Natural Resources, and each Department of Energy Laboratory operated by the University.

C. Days

For purposes of this policy, the term “Days” means University business days. It does not include Saturdays, Sundays, or days on which the campus is closed.

D. Dean

For the purposes of this policy, the term “Dean” refers to the Dean of Students or the Dean’s designee assigned to facilitate the administrative student conduct review.

E. Hearing Administrator

The Hearing Administrator is a University employee designated to administer the proceedings of matters related to the Student Conduct Committee (see Section III.K).

F. Hearing Coordinator

The Hearing Coordinator is a University employee designated to schedule and otherwise coordinate the proceedings of matters related to the Student Conduct Committee.

G. Insufficient Information

Insufficient Information means that the available information is insufficient to support the potential finding of a violation of the *UCLA Student Conduct Code* based on the preponderance of evidence standard.

H. Notice

Whenever this policy requires giving Notice to any Student, sending such Notice to the electronic or physical mailing address most recently provided by the Student to the Registrar will give rise to a conclusive presumption that Notice has been given as of the date of the mailing.

I. Official University Email Account

The Official University Email Account is the email address that the Student has most recently provided to the UCLA Registrar’s Office.

J. Standard of Proof

The Standard of proof that will be used in hearings is “preponderance of evidence,” i.e., the University must prove that it is more likely than not that the student committed the misconduct of which they are accused.

K. Student

For the purposes of this policy, the term “Student” means an individual for whom the University maintains student records, and who:

1. is enrolled in or registered with an academic program of the University;
2. has completed the immediately preceding term and is eligible for re-enrollment, including the recess periods between academic terms; or
3. Is on an approved educational leave or other approved leave status, including under suspension, or is on filing-fee status.

This policy also applies to the following:

1. applicants who become students, for offenses committed as part of the application process;
2. applicants who become students, for offenses committed on campus and/ or while participating in University related events or activities that take place following a student’s submittal of the application through their official enrollment; and
3. former students for offenses committed while a student.

L. Support Person

A Support Person is any individual accompanying a Student during any stage of the review and resolution process. The Support Person may be any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the review. The Student may be accompanied by a Support Person in addition to an Advisor at any meeting or proceeding that is part of the review and resolution process outlined in this Code. The role of the Support Person is only to provide support. The Support Person is not permitted to speak or otherwise participate in any meeting or proceeding that is part of the review and resolution process and may not in any manner disrupt any such meeting or proceeding.

M. University

The term “University” means the University of California and includes all campuses, the Office of the President, the Division of Agriculture and Natural Resources, and each Department of Energy Laboratory operated by the University.

N. Witness

“Witness” means someone participating in a Student Conduct meeting or proceeding that is a part of the review and resolution process outlined in this Code, either in person, by video, audio, or other forms of electronic communication, or through a written statement prepared for the purposes of the meeting or proceeding.

II. Student Conduct Policies

Students may be held accountable for the types of misconduct set out in Section II.C. The Dean may take action whether or not such misconduct also violates the law, and whether or not proceedings are, have been, or may be brought in the courts involving the same acts. Because of this, students may be involved in University conduct proceedings before, after, or during court proceedings.

Application

The *UCLA Student Conduct Code* does not apply to student conduct violations involving sexual violence and sexual harassment (including sexual assault, domestic violence, dating violence, and stalking of a sexual nature, etc.). All such violations and the applicable student discipline procedures for responding to such conduct are instead addressed by the *University of California Policy on Sexual Violence and Sexual Harassment* and any local procedures currently in effect. When applicable, relevant provisions of the *UCLA Student Conduct Code* are referred to directly or incorporated by any local procedures currently in effect to adjudicate student conduct violations that occur in connection with violations of sexual violence and sexual harassment.

Student conduct violations involving sexual violence (including sexual assault, relationship violence, and stalking) and sexual harassment are prohibited by the *University of California Policy on Sexual Violence and Sexual Harassment* as well as the *Code*. For incidents involving allegations that could constitute conduct prohibited by the *University of California Policy on Sexual Violence and Sexual Harassment*, see the local procedures currently in effect.

A. Jurisdiction

The University has jurisdiction over student conduct that occurs on University property, or in connection with official University programs or functions whether on or off University property. The University may, at its sole discretion, exercise jurisdiction over student behavior that occurs off campus and that would violate student conduct policies or regulations when:

1. the alleged misconduct indicates the student poses a threat to the safety or security of any individual; or
2. the alleged misconduct involves academic work or the forgery, alteration or misuse of any University document, record, key, electronic device, or identification.

In determining whether or not to exercise off-campus jurisdiction, the University may consider factors including but not limited to, the seriousness of the alleged misconduct; whether an alleged victim is a member of the campus community; the ability of the University to gather information, including the statements of witnesses; and whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

B. No Contact Directives

A Student may be directed to not intentionally approach, telephone, send anything via campus mail, regular mail, e-mail or text message, or otherwise contact or communicate with another specified individual, including through a third party or social media. These directions will not terminate the Student's status as a student, and will not be construed as an allegation of misconduct nor a finding of responsibility on the part of any student. However, violation of these directions may be misconduct prohibited by Section 102.16 (Failure to Comply) and Section 102.27 (Unwanted Personal Contact) of the Code.

C. Prohibited Behavior

Students may be held accountable for committing or attempting to commit a violation of this Code or for assisting, facilitating, or participating in the planning of an act that violates this Code (or an act that would be in violation of this Code if it were carried out by a student).

102.01: Academic Dishonesty

All forms of academic misconduct or research misconduct, including, but not limited to, cheating, fabrication or falsification, plagiarism, multiple submissions or facilitating academic misconduct which occurs in academic exercises or submissions.

NOTE : Allegations involving students (paid or unpaid) who were working on externally (including federally) sponsored research projects or supported by externally (including federally) funded research training grants when Research Misconduct involving their supported work was alleged to have occurred, may be afforded a different procedure if the external sponsor requires a process for responding to allegations of Research Misconduct that is similar to, or based on the federal Research Misconduct regulations. In that case, allegations will be managed under UCLA Policy 993 (*Responding to Allegations of Research Misconduct*) and will be forwarded to the Research Integrity Officer (RIO) who will then determine whether an inquiry and/or review is warranted. Should a review be conducted, a copy of the Investigation Committee Report and the RIO's written determination of whether or not Research Misconduct occurred will be forwarded to the Dean, who may impose one or more sanctions, as appropriate. Otherwise, Section III of this Code is the applicable procedure for responding to allegations of fabrication by students.

In the event that the RIO determines that the research record needs to be corrected due to a finding that Research Misconduct occurred, the campus RIO will initiate a correction or retraction as appropriate.

For the purposes of the *UCLA Student Conduct Code*, the following definitions apply:

102.01a: Cheating

Cheating includes, but is not limited to, the use of unauthorized materials (including online sources such as Course Hero, GitHub or Chegg), information, or study aids in any academic exercise; the alteration of any answers on a graded document before submitting it for re-grading; or the failure to observe the expressed procedures or instructions of an academic exercise (e.g., examination instructions regarding alternate seating or conversation during an examination).

102.01b: Fabrication

Fabrication includes, but is not limited to, falsification or invention of any information or citation in an academic exercise, including Fabrication or Falsification of Research.

Fabrication of Research is making up data or results and recording or reporting them.

Falsification of Research is manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

102.01c: Plagiarism

Plagiarism includes, but is not limited to, the use of another person's work (including words, ideas, designs, or data) without giving appropriate attribution or citation. This includes, but is not limited to, representing, with or without the intent to deceive, part or all of an entire work obtained by purchase or otherwise, as the Student's original work; the omission of or failure to acknowledge the true source of the work; or representing an altered but identifiable work of another person or the Student's own previous work as if it were the Student's original or new work.

Unless otherwise specified by the faculty member, all submissions, whether in draft or final form, to meet course requirements (including a paper, project, exam, computer program, oral presentation, or other work) must either be the Student's own work, or must clearly acknowledge the source.

102.01d: Multiple Submissions

Multiple submissions includes, but is not limited to, the submission for credit in a UCLA course of any work which has been previously submitted in identical or similar form, at any educational institution, to fulfill the requirements of another course, without the informed permission/consent of the instructor of the UCLA course in which the multiple submission is

alleged to have occurred. Multiple submissions also includes the submission of work for credit, in identical or similar form, in concurrent courses, without the permission/consent of the instructors of both courses.

102.01e: Facilitating Academic Dishonesty

Facilitating academic dishonesty includes, but is not limited to, knowingly helping another student commit an act of academic dishonesty or publishing assignments, exams or solutions without permission of the instructor.

102.01f: Coercion Regarding Grading or Evaluation of Coursework

Threatening personal or professional repercussions or discipline against an instructor to coerce the instructor to change a grade or otherwise evaluate the Student's work by criteria not directly reflective of coursework.

102.01g: Unauthorized Collaboration

Unauthorized collaboration includes working with others without the expressed permission of the instructor on any submission, whether in draft or final form, to meet course requirements (including a paper, project, take-home exam, computer program, oral presentation or other work). Collaboration between students will be considered unauthorized unless expressly permitted by the instructor.

102.02: Other Forms of Dishonesty

Other forms of dishonesty, including, but not limited to, fabricating information or knowingly furnishing false information or reporting a false emergency to the University.

102.03: Forgery

Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification, or submission of any forged document or record to the University.

102.04: Theft, Damage or Destruction of Property

102.04a: Theft includes taking without expressed permission or, misappropriation of, any property or services of the University or property of others while on University premises or at official University functions; or possession of any property that the Student had knowledge or reasonably should have had knowledge was stolen.

102.04b: Damage or destruction of any University property, or the property of others while on University premises or at official University functions.

102.05: Computer Misuse

102.05a: Theft or abuse of University computers or other University electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include, but are not limited to, unauthorized entry, unauthorized review of personal

information of others maintained on University electronic resources, use, transfer, or tampering with the communications of others; use of either software or physical devices to enroll in classes for yourself or on behalf of others using processes other than those specifically delineated by the UCLA Registrar's Office; interference with the work of others or with the operation of computer or electronic communications facilities, systems, or services; or violation of the University of California Electronic Communications Policy or of any other University acceptable or allowable use policies.

102.05b: Violations of copyright laws, whether by theft, unauthorized sharing or other misuse of copyrighted materials such as music, movies, software, photos or text.

102.06: Unauthorized Use of University Resources or Name

Unauthorized entry to, possession of, receipt of, or use of any University services, equipment, resources or property, including the University's name, insignia or seal. See UCLA Policy 110 – Use of the University's Names, Seals, and Trademarks.

102.07: Violations of University Policy

Students may be subject to discipline for violation of any University policy.

102.07a: University Housing

Violations of policy regarding University owned, operated, or leased housing facilities or other housing facilities on University property.

102.07b: University Parking

Violations of policy regarding University parking services or University owned or operated parking facilities.

102.07c: University Recreation

Violations of policy regarding University recreation services, programs, or within University owned or operated recreation facilities.

102.07d: University Identification Card (BruinCard)

Violation of policies, regulations, or rules governing use of official University identification cards, including manufacturing or possession of false identification cards, using another person's BruinCard to obtain services or establish identity, facilitating the misuse of one's BruinCard by another person to obtain services or establish identity, or other misuse of the BruinCard.

102.07e: Unmanned Aircraft Systems

Operation of a drone or other unmanned aircraft system in the airspace above the campus is only permissible with the express written permission of the University of California Unmanned Aircraft Systems Safety Office.

102.07f: Workplace Violence

Violations of policy regarding Workplace Violence, including violating the terms of a restraining order or court order. See UCLA Policy 132.

102.08: Conduct that Threatens Health or Safety

Conduct that threatens the health or safety of any person including, but not limited to physical assault, threats that cause a person reasonably to be in sustained fear for one's own safety or the safety of one's immediate family, incidents involving the use or display of a weapon likely to cause great bodily harm, and intoxication or impairment through the use of alcohol or controlled substances to the point that one is unable to exercise care for one's own safety, or other conduct that threatens the health or safety of any person.

As described in Section IV.A, before a final determination of alleged misconduct is made, an Interim Suspension or Interim Exclusion may be imposed by the Dean when there is reasonable cause to believe that the Student's participation in University activities or presence at specified areas of campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

Incidents involving allegations of sexual violence and sexual harassment (including domestic violence, dating violence, and sexual assault), are reviewed initially by the Title IX Office pursuant to the *University of California Policy on Sexual Violence and Sexual Harassment* and any local procedures currently in effect. Where the Title IX Office determines that it does not have jurisdiction over an allegation, the Office of Student Conduct may review the matter to determine if the Code applies.

102.09: Sexual Harassment

Sexual Harassment is defined in the *University of California Policy on Sexual Violence and Sexual Harassment*. Incidents involving allegations of sexual violence and sexual harassment (including domestic violence, dating violence, and sexual assault), are reviewed initially by the Title IX Office pursuant to the *University of California Policy on Sexual Violence and Sexual Harassment* and any local procedures currently in effect. Where the Title IX Office determines that it does not have jurisdiction over an allegation, the Office of Student Conduct may review the matter to determine if the Code applies.

102.10: Stalking

Stalking is behavior in which a Student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their family, where the threat is reasonably

determined by the University to seriously alarm, torment, or terrorize the person, and where the threat is additionally determined by the University to serve no legitimate purpose.

This Code prohibits retaliation against a person who reports stalking, assists someone with a report of stalking; or participates in any manner in an review or resolution of a stalking report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

For stalking violations of a sexual nature, see also the *University of California Policy on Sexual Violence and Sexual Harassment*. Incidents involving allegations of sexual violence and sexual harassment (including domestic violence, dating violence, and sexual assault), are reviewed initially by the Title IX Office pursuant to the *University of California Policy on Sexual Violence and Sexual Harassment* and any local procedures currently in effect. Where the Title IX Office determines that it does not have jurisdiction over an allegation, the Office of Student Conduct may review the matter to determine if the Code applies.

102:11: Discrimination and Harassment

102.11a: Discrimination

Discrimination means the exclusion of an individual, on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, gender transition status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (including protected veterans) from participation in any academic, research, or other University service, program, or activity.

102.11b: Harassment

Harassment means conduct that is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the University, or creates a work environment that is intimidating, hostile, or abusive.

Sanctions may be enhanced where an individual was selected for harassment because of the individual's race, color, national or ethnic origin, citizenship, sex, gender, gender expression, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

For violations involving sexual harassment and sexual violence (including domestic violence, dating violence, and sexual assault), see instead the *University of California Policy on Sexual Violence and Sexual Harassment* and any local procedures currently in effect.

102.12: Hazing

Participating in, engaging in, or supporting hazing or any method of initiation or pre-initiation into a campus organization or team or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person, regardless of location, intent or consent of participants. (See UCLA Hazing).

102.13: Obstruction or Disruption

Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

102.14: Disorderly Behavior

Engaging in disorderly or lewd conduct.

102.15: Disturbing the Peace

Participation in a disturbance of the peace or unlawful assembly.

102.16: Failure to Comply

Failure to identify oneself to, or comply with directions of, a University official or other public official acting in the performance of one's duties while on University property or at official University functions, or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.

102.17: Controlled Substances

Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of, controlled substances (including medicinal marijuana), identified in Federal or State law or regulations, which is unlawful or otherwise prohibited by, or not in compliance with, any University policy or campus regulations or being unable to exercise care for one's own safety because one is under the influence of controlled substances.

NOTE : This provision shall not apply to circumstances wherein the person under the influence was given a controlled substance without their knowledge and permission.

102.18: Alcohol

Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol, which is unlawful or otherwise prohibited by, or not in compliance with, any University policy or campus regulations, or being unable to exercise care for one's own safety while under the influence of alcohol.

NOTE : This provision shall not apply to circumstances wherein the person under the influence was given alcohol without their knowledge and permission.

102.19: Destructive Devices

Possession, use, storage or manufacture of explosives, firebombs or other destructive devices.

102.20: Weapons and Replica Weapons

102.20a: Weapons

Except as expressly permitted by law, possession, use, storage or manufacture of a firearm or other weapon capable of causing bodily injury is prohibited.

102.20b: Replica Weapons

Except as expressly permitted by UCPD policy, possession, use, storage or manufacture of replicas of firearms or other weapons is prohibited. See [UCLA Policy 131 – Weapons on Campus](#).

102.21: Violation of Disciplinary Conditions

Violation of the conditions contained in the terms of a disciplinary action imposed under the *UCLA Student Conduct Code*.

102.22: Violation of Conditions of Interim Suspension, Interim Exclusion or Emergency Suspension

Violation of the conditions contained in a Notice of Interim Suspension, Interim Exclusion or Emergency Suspension issued pursuant to Section IV of the *UCLA Student Conduct Code*.

102.23: Unauthorized Use or Sale of University Materials

Except as provided herein, no Student will give, sell, or otherwise distribute to others or publish any recording made during any course presentation without the written consent of the University and the instructor/presenter. This policy is applicable to any recording in any medium, including handwritten or typed notes.

Any distribution of a recording of a course presentation at UCLA that captures the actual sounds and/or images of that course presentation, in any medium, must consider not only the rights of the instructor and the University, but also those of other parties. Examples include the privacy rights of students enrolled in the course, the rights of guest lecturers, and the copyright interests in materials authored by others that are displayed or presented during the course presentation. In addition to the consent of the University and the instructor/presenter, it may be necessary to secure permission from these other parties before any recording, distribution, publication, or communication is legally permitted.

102.23a: Selling Academic Materials

Selling, preparing, or distributing for any commercial purpose academic materials including, but not limited to, written, video or audio recordings of any course, or course materials, unless authorized by the University in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of academic materials including, but not limited to, recordings by a Student is a violation of the *UCLA Student Conduct Code* whether or not it was the Student or someone else who prepared the materials. This policy is applicable to any recording in any medium, including handwritten or typed notes.

102.23b: Copying Course Notes

Copying for any commercial purpose handouts, readers, or other course materials provided by an instructor as part of a University of California course unless authorized by the University in advance and explicitly permitted by the course instructor and the copyright holder in writing (if the instructor is not the copyright holder).

Students currently enrolled in a course may provide a copy of their own notes or recordings to other currently enrolled students for non-commercial purposes reasonably arising from participation in the course, including individual or group study.

102.23c: Commencement Tickets

Selling Commencement tickets.

102.24: Misuse of University Property

Organizing or carrying out unlawful activity on University property.

102.25: Violations of Law

Students may be subject to discipline on the basis of a conviction under any federal, California state, or local criminal law, when the conviction constitutes reasonable cause to believe that the Student poses a threat to the health or safety of any person, or to the security of any property, on University premises or at official University functions, or to the orderly operation of the campus.

When the conviction also represents a violation of section(s) 102.08, 102.09 and/or 102.10 involving sexual harassment and sexual violence (including domestic violence, dating violence, sexual assault and stalking), the Title IX Office will review the matter pursuant to the *University of California Policy on Sexual Violence and Sexual Harassment*, any related Appendices and any local procedures currently in effect. Where the Title IX Office determines that it does not have jurisdiction over an allegation, the Office of Student Conduct may review the incident(s) to determine if the Code applies.

102.26: Terrorizing Conduct

Conduct, where the actor means to communicate a serious expression of intent to terrorize, or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff.

Terrorize means to cause a reasonable person to fear bodily harm or death, perpetrated by the actor(s) or those acting under their control.

Reckless disregard means consciously disregarding a substantial risk.

This section applies without regard to whether the conduct is motivated by race, ethnicity, personal animosity or other reasons. This section does not apply to conduct that constitutes the lawful defense of oneself, of another, or of property.

102.27: Unwanted Personal Contact

Contact (whether physical, verbal, written, face-to-face, telephonic, electronic, or by other means) that:

1. A student knows or should know is unwanted;
2. Is communicated directly to one or more specific student(s), Student Group(s), faculty, or staff;
3. Constitutes severe and/or pervasive, and objectively offensive, conduct; and
4. Does not constitute speech protected by the First Amendment to the U.S. Constitution (e.g., speech in a public forum on a matter of public concern).

102.28: Expectation of Privacy

The following is prohibited:

- Making a video recording, audio recording, taking one or more photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person's knowledge and express consent, or posting online any audio/video/photograph made by another individual of any person in a location where the person had a reasonable expectation of privacy, without that person's knowledge and express consent.
- Making a video recording, audio recording, or streaming audio/video of private, non-public conversations and/or meetings, without the knowledge and express consent of all recorded parties, or posting online any audio/video/photographs made by another individual of any private, non-public conversations and/or meetings, without the knowledge and express consent of all recorded parties.
- Looking through a hole or opening, into, or otherwise viewing, by means of any instrumentality, the interior of a private location without the subject's knowledge and express consent.

“Express consent” is clear, unmistakable and voluntary consent that may be in written, oral or nonverbal form.

“Private locations” are settings where the person reasonably expected privacy. For example, in most cases the following are considered private locations: residential living quarters, bathrooms, locker rooms, and personal offices.

“Private, non-public conversations and/or meetings” include any communication carried on in circumstances that reasonably indicate that any party wants the communication to be confined to the parties, but excludes a communication made in a public gathering, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

These provisions do not extend to public events or discussions, nor to lawful official law or policy enforcement activities. These provisions may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

For incidents involving allegations of conduct prohibited by the *University of California Policy on Sexual Violence and Sexual Harassment* (including Invasions of Sexual Privacy), the Title IX Office will review the matter pursuant to this Policy, any related Appendices and any local procedures currently in effect. Where the Title IX Office determines that it does not have jurisdiction over an allegation, the Office of Student Conduct may review the incident(s) to determine if the Code applies.

102.29 Violation of the University of California Policy on Sexual Violence and Sexual Harassment

III. Student Conduct Procedures

The University strives to be fair in the management of student conduct cases. The Chancellor has established these procedures and published the *UCLA Student Conduct Code*, providing for the management of student conduct cases. The procedures outlined in this section represent the steps employed to reach a resolution in cases of alleged misconduct.

For incidents involving allegations of sexual harassment and sexual violence (including domestic violence, dating violence and sexual assault), see the *University of California Policy on Sexual Violence and Sexual Harassment* and any local procedures currently in effect.

Questions concerning these procedures may be addressed to the Office of Student Conduct, or to Student Legal Services.

Complaints involving alleged misconduct by students must be submitted in writing to the Office of Student Conduct, except those in which the Student is subject to an approved disciplinary procedure of a School, College, or other University unit. Complaints falling within the above exception may also be referred to the Office of Student Conduct if such referral is provided for in the approved disciplinary procedure of the School, College, or other University unit.

Time Limitations:

For allegations of conduct prohibited by the *University of California Policy on Sexual Violence and Sexual Harassment*, referrals may be made to the Office of Student Conduct at any time provided the individual referred meets the definition of Student. For all other allegations of misconduct, referrals to the Office of Student Conduct must be made within one year following discovery of the alleged misconduct, unless an exception is granted by the Vice Chancellor, Student Affairs (VCSA) or designee.

The Dean may provide information about other campus or community resources which may be of assistance to the Student (e.g., Counseling and Psychological Services, the UCLA Santa Monica Rape Treatment Center, Student Legal Services).

A. Initial Review

Upon receiving a report regarding alleged violation(s), the Dean will consider information acquired from the reporting party and may conduct further review to augment that information. If the Dean determines that there is sufficient information to proceed with the conduct process, the Dean will give written Notice to the Student of the alleged violation(s).

If the Dean determines that there is not sufficient information to proceed with the Student conduct process, the Dean may give written Notice to the Student directing the Student not to intentionally approach, telephone, send anything via campus mail, regular mail, e-mail or text message, or otherwise contact or communicate with another specified individual, including through a third party or social media. These directions will not terminate the Student's status as a student, and will not be construed as an allegation of misconduct nor a finding of responsibility on the part of any student. Violation of these directions may be a violation of Section 102.16 (Failure to Comply), Section 102.27 (Unwanted Personal Contact) and/or other applicable sections of the *UCLA Student Conduct Code*.

B. Notice to Student

Notice to Student shall include the following:

1. The nature of the conduct in question and the basis for the allegation, including a brief statement of the basis of the charges, the date or period of time and the location of the alleged incident;

2. The University policy(ies) and/or campus regulation(s) allegedly violated; and information on how to access a full version of the *UCLA Student Conduct Code* ;
3. That the Student has five Days from the date Notice was given to contact the Office of Student Conduct for the purpose of scheduling an initial meeting;
4. That if the Student does not contact the Office of Student Conduct within the five-day period, or fails to keep any scheduled appointment, a Hold may be placed on the Student's University records and the Student will be notified that this action has been taken. The placement of a Hold on the Student's University records may, for example, prevent the Student from registering and from obtaining transcripts, verifications, or a degree from the University. The Hold will be removed only when the Student either attends a scheduled meeting at the Office of Student Conduct, or requests in writing that the case be referred to the Student Conduct Committee for a hearing; and
5. That no degree may be conferred on a Student until all allegations against a Student and any assigned sanctions and conditions have been fully resolved. The Dean may place a Hold on that Student's University records to prevent the Student from receiving a degree or diploma.

In addition, the Dean may include language directing the Student to act or refrain from acting in a manner specified by the Dean. These directions may include directing the Student not to intentionally approach, telephone, send anything via campus mail, regular mail, e-mail or text message, or otherwise contact or communicate with another specified individual, including through a third party or social media until the matter is resolved. These directions will not terminate the Student's status as a student, and will not be construed as an allegation of misconduct nor a finding of responsibility on the part of any student. Violation of these directions may be a violation of Section 102.16 (Failure to Comply), Section 102.27 (Unwanted Personal Contact) and/or other applicable sections of the *UCLA Student Conduct Code*.

In cases involving an active police investigation, if the Dean, in conjunction with the University of California Police Department (UCPD), determines that Notice to the Student may interfere with the criminal investigation, the Dean may delay Notice to the Student for a reasonable period of time, for example when the investigation involves the safety of a member of the campus community.

C. Meeting(s) with the Dean

Meeting with the Dean provides the Student an opportunity to resolve the matter. At the initial meeting with the Student, the Dean will:

- ensure that the Student has been provided information on how to access the *UCLA Student Conduct Code* ;

- discuss confidentiality; inform the Student that the content of this and all subsequent communication with the Office regarding information not relevant to the case will, insofar as allowed by law, be treated confidentially, unless such confidentiality is waived by the Student; and that information relevant to the case may be divulged to those who have a legitimate educational interest, including but not limited to the Student Conduct Committee;
- describe to the Student the nature of the conduct in question, and the University policy(s) and/or campus regulation(s) allegedly violated, hear the Student's response to such allegations, and counsel the Student as appropriate; and
- provide the Student with information about the right to inspect all documents relevant to the case which are in the possession of the Office of Student Conduct; (Note: all documents will be redacted to comply with state and federal laws and regulations and University policies.)

If a student believes that a reasonable accommodation is required to assist them in meeting with the Dean, the student must contact and register with the Center for Accessible Education (CAE). CAE will provide the Dean with recommended accommodations. The Dean will either provide the recommended accommodation or work directly with CAE to discuss alternatives to the recommended accommodation.

At the Dean's discretion, another staff member may be present in the meeting to provide administrative or procedural support. The assigned dean will remain the primary point of contact for the Student.

D. Decisions in Absentia

If a Student fails to participate in the disciplinary process, or has withdrawn from the University while subject to pending disciplinary action, the Dean may move forward to resolve the matter without the Student's participation.

E. Resolution by the Dean

At the conclusion of the review, the Dean may take one of several actions listed below. In cases of alleged physical assault, the alleged victim will receive written notification of the outcome of any disciplinary action or Agreement of Resolution by the University.

1. Letter of Admonition

The Dean may provide Notice to a Student that the alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior may be subject to the disciplinary process.

2. Imposing Sanctions

If the Student acknowledges behavior that is prohibited by the *UCLA Student Conduct Code*, the Dean may impose one or more of the sanctions listed in Section III.G.

3. Referral to the Student Conduct Committee

A case is referred to the Student Conduct Committee for a hearing when the Student does not acknowledge engaging in behavior prohibited by the *UCLA Student Conduct Code*, but the Dean concludes from the available information that the Student Conduct Committee may find that it is more likely than not that a violation of the *UCLA Student Conduct Code* has occurred.

At any time before the student conduct hearing occurs, if the Dean receives new information that leads the Dean to the conclusion that that a violation of the Code has not occurred, then the Dean may withdraw the case from the Student Conduct Committee. This disposition is binding and terminates that Student Conduct Committee proceeding.

4. Insufficient Information

If the Dean concludes there is insufficient information on the basis of a preponderance of the evidence to issue a finding of responsibility for the alleged violation(s), then the matter will be closed with no further action taken.

5. Agreement of Resolution

When the Dean and the Student agree that the above dispositions are not appropriate, an Agreement of Resolution may be used to conclude the matter.

This Resolution, while not considered to be a finding of responsibility, is binding. If the Student fails to abide by the terms of the Agreement of Resolution, that failure may be regarded as actionable misconduct and may subject the Student to disciplinary action by the University.

An Agreement of Resolution may include such terms as:

- agreement by the Student to refrain from specific behaviors, and/or to refrain from contacting others involved in the case;
- agreement by the Student to participate in specified educational programs and/or reconciliation processes such as mediation; and/or
- agreement by the Student to participate in specified community service activities.

The Agreement of Resolution is not a formal disciplinary action but will be retained in the case file in the Office of Student Conduct in compliance with Section V. During that time, should the Dean have a reasonable basis to believe that the Student has engaged in misconduct related in nature to the conduct which occasioned the Agreement, both cases may be the subject of University disciplinary action.

F. Amnesty

Complainants and witnesses, who are students, and who participate in a review of sexual violence, will not be subject to disciplinary sanctions for a violation of the University's student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty. See the *University of California Policy on Sexual Violence and Sexual Harassment* and any local procedures currently in effect.

G. Sanctions and Additional University Actions

When it is determined that a Student's behavior is in violation of University policy(ies), the Dean will consider the context and seriousness of the violation in determining the appropriate sanction(s).

In addition to the sanctions listed below in G.1–7, the Dean may also impose additional conditions, included but not limited to, one or more of the following conditions:

- Exclusion from Areas of the Campus or from Official University Functions
- Loss of Privileges and Exclusion from Activities
- Community Service
- Restitution
- Participation in designated educational programs, services, or activities
- Letter of Apology
- Participation in a Restorative Justice conference
- Housing Exclusion
- Withholding of diploma or awarding of degree otherwise earned until the completion of all sanctions and conditions imposed by the Dean.

Failure to comply with the above conditions imposed by the Dean may subject the Student to additional disciplinary action including, but not limited to, suspension and dismissal. In addition, a Hold may be placed on the Student's University records for either a stated period or until the Student satisfies the conditions imposed as part of a sanction. The placement of a Hold on the Student's University records may prevent the Student from registering; and from obtaining transcripts, University services, or a diploma; and prevent the awarding of a degree from the University.

Sanctions (for any violations of Section II.C, Prohibited Behavior) may be increased where an individual was selected because of the individual's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

1. Warning

Notice or reprimand to the Student that a violation of specified University policies or campus regulations has occurred and that further violations of the *UCLA Student Conduct Code* or failure to complete any assigned condition(s) may result in additional disciplinary action including, but not limited to, suspension or dismissal.

2. Disciplinary Probation

A status imposed for a specific period of time in which a Student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the Student's privileges or eligibility for activities may be imposed. Further violations of the *UCLA Student Conduct Code*, or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, suspension or dismissal.

3. Deferred Suspension

A status imposed for a specific period of time in which the Student must successfully complete conditions outlined by the Dean. Further violations of the *UCLA Student Conduct Code* or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, suspension or dismissal. A student on Deferred Suspension is considered not in good conduct standing for the duration of the Deferred Suspension period.

4. Deferred Dismissal

A status imposed for a specific period of time in which the Student must successfully complete conditions outlined by the Dean. Further violations of the *UCLA Student Conduct Code* or failure to complete any assigned conditions will result in additional disciplinary action including but not limited to suspension or dismissal. A student on Deferred Dismissal is considered not in good conduct standing for the duration of the Deferred Dismissal period.

5. Suspension

Suspension is the termination of UCLA student status for a specified academic term or terms, to take effect at such time as the Dean or the VCSA or designee determines. A suspended student will be ineligible to enroll in UCLA Extension concurrent courses during the period of suspension. During the period of suspension, the Dean may place a Hold on the Student's University records which may prevent the Student from registering and from obtaining transcripts, verifications, or a degree from the University. Suspension may include a prohibition against entering specified areas of the campus. Further violations of the Code or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited, to additional suspension, or dismissal. A student on Suspension is

considered not in good conduct standing for the duration of the Suspension period. A student may not transfer or register for courses at another campus or location of the University of California during the period of Suspension.

After the period of Suspension, the Student will be reinstated if:

- a. The Student has complied with all conditions imposed as part of the Suspension;
- b. The Student is academically eligible;
- c. The Student meets all requirements for reinstatement including, but not limited to, removal of Holds on records, and payment of restitution where payment is a requirement of reinstatement; and
- d. The Student meets the deadlines for filing all necessary applications, including those for readmission, registration, and enrollment.
- e. Graduate and professional students are required to apply for readmission following a suspension, and must meet all requirements for readmission.

No Suspension from the University will become official until five Days from the date of Notice of the Dean's disposition or the completion of a Student's appeal.

6. Dismissal

Dismissal is the termination of University of California student status for an indefinite period and may include an exclusion from specified areas of the campus.

Readmission to any campus of the University of California after Dismissal may be granted only under exceptional circumstances and requires the specific approval of the Chancellor of the campus to which a dismissed Student has applied.

No Dismissal from the University will become official until five Days from the date of Notice of the Dean's disposition or the completion of a Student's appeal. A student on Dismissal is considered not in good conduct standing for the duration of the Dismissal period.

7. Revocation of Awarding of Degree

If, after a degree has been awarded, a degree recipient is found responsible for a violation of the *UCLA Student Conduct Code* involving academic dishonesty or fraud committed while a Student, then the Dean of Students* may impose, as a sanction, a revocation of the degree, subject to the following procedures:

1. The Dean of Students will submit a recommendation of revocation of the degree to the Academic Senate and obtain the concurrence of the Chair of the Academic Senate.

2. If the degree in question is a graduate/professional degree, the Dean of Students will also submit a recommendation of revocation of the degree to the Dean of the Graduate Division and cognizant academic or Professional School Dean and obtain the concurrence of those Deans.
3. If the degree in question is an undergraduate degree, the Dean of Students will also submit a recommendation of revocation of the degree to the Dean of the Division of Undergraduate Education and the cognizant Academic or Professional School Dean and obtain the concurrence of those Deans.
4. A Notice of Intent to Revoke Degree shall be sent to the Student. This Notice shall include the details of the violation and the basis for the revocation.
5. The Student may submit a written appeal of the revocation to the VCSA or designee within twenty Days from the date of the Notice of Intent to Revoke Degree. The imposition of the Revocation of Degree will be deferred during such appeal. The review of such appeal will be in accordance with the procedure specified in Section III.K of the Code. The appeal may be sent from the Student's official University email address, or may be submitted in writing to the Campus Hearing Coordinator, signed by the Student. If the Student does not appeal within twenty Days, the revocation of the degree is final.
6. If the VCSA or designee upholds the revocation of degree, the Student may submit a written appeal to the Chancellor within twenty Days from the date of Notice of the VCSA or designee's decision. The decision of the Chancellor is final.

*For degrees issued by the David Geffen School of Medicine, authority to revoke degrees is the responsibility of the David Geffen School of Medicine Dean of Students.

H. Limits on Sanctions

The loss of University employment will not be a form of sanction under the *UCLA Student Conduct Code*. However, when student status is a condition of employment, the loss of student status will result in termination of the Student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student's conduct records if that information may be reasonably construed to have bearing on the Student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.

In imposing sanctions other than Suspension or Dismissal, access to housing and health services will not be restricted unless the nature of the act that occasioned the sanction is appropriately related to the restriction.

I. Posting of Suspension or Dismissal on Academic Transcript

When, as a result of violations of the *UCLA Student Conduct Code*, a student is suspended or dismissed, the fact that the sanction was imposed must be posted on the academic transcript for the duration of the Suspension or Dismissal.

J. Appeal of the Sanction

If the Dean imposes a sanction of Deferred Suspension, Deferred Dismissal, Suspension, or Dismissal, the Student may appeal the sanction, to the VCSA or designee, on the grounds that the sanction assigned is substantially disproportionate to the severity of the violation. All appeals must clearly articulate and support the grounds for appeal. Appeals must be received within five Days of the date of Notice from the Dean of the individual's action. Appeals may be submitted directly to the VCSA or designee by e-mail, sent from the Student's Official University Email Account, or may be submitted in writing to the Campus Hearing Coordinator, signed by the Student. The imposition of a sanction of Suspension or Dismissal will be deferred during such appeal.

The VCSA or designee is not limited to those sanctions imposed by the Dean and may impose any one or more of the sanctions listed in Section III.G above, even though such decision may result in the imposition of more or less severe disciplinary action.

The VCSA or designee will have ten Days after the receipt of the appeal to deliver a written decision unless an extension is granted. The decision of the Vice Chancellor, Student Affairs is final. A letter containing the decision will be delivered to the Student and to the Dean. In cases of alleged physical assault, notice of outcome including the decision will also be delivered to the alleged victim.

K. The Student Conduct Committee

When a case is referred to the Student Conduct Committee, the following will be provided to the Student to ensure a fair hearing where the University shall bear the burden of proof:

- The Student will be provided written Notice within a reasonable time before the hearing; this Notice will include a brief statement of the basis of the charges, the University policy(s) or campus regulations allegedly violated, and the time and place of the hearing.
- The Student will be provided the opportunity for a prompt hearing.
- The Student will be given the opportunity to present documents and to propose questions to be asked in person, by video, audio, or other forms of electronic communication, or in writing, of any witnesses presented by the University.
- The Hearing Committee will evaluate information presented in the hearing to determine if it is more likely or not that the Student has violated the Code.
- Within ten Days following the conclusion of the hearing, the Student will receive a written report including a summary of the findings of fact.

- Following the issuance of the decision, the Student will be provided an opportunity to appeal. At the request of the Student, to assist in the preparation of an appeal, post-hearing access will be granted for the Student to review, but not copy, the hearing recording. This access will be provided on the University campus, during regular business hours; the recording may not be removed from the premises or reproduced. The accused Student may be accompanied by the Advisor and/or Support Person(s) who accompanied the Student at the hearing. When the student is unable to be present on the University campus during regular business hours, the Student will be provided with reasonable alternative access which may include access to review the recording either on campus on Saturdays, Sundays, or days on which the campus is closed, or an alternate location during regular business hours.

1. Referral of Cases to the Student Conduct Committee

- A hearing will be provided for all cases referred to the Student Conduct Committee under the Code, unless prior to the hearing, either:
 - The Student makes an admission of responsibility to the Dean, or
 - The Dean receives new information that leads The Dean to the conclusion that a violation of the *UCLA Student Conduct Code* has not occurred.

2. Composition of the Student Conduct Committee

The Student Conduct Committee will consist of the following members:

- a. Chair(s): At least one Chair shall be appointed by the Chancellor.
 - i. The Chair(s) may be faculty members, staff members, faculty or staff emeriti, or volunteers who have either training in a relevant subject area or experience with the hearing process.
 - ii. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.
- b. No fewer than three members from the faculty/faculty emeriti, in addition to the Chair(s) will be appointed by the Chancellor.
 - i. They may be appointed for one to three years, or until a successor is appointed.
- c. No fewer than three members from the staff/staff emeriti.
 - i. The staff members will be appointed by the Chancellor.
 - ii. They will be appointed for not less than one nor more than three years, as determined by the Chancellor; however, each may serve until a successor is appointed.
- d. No fewer than three undergraduate student members.

- i. The undergraduate student members may be nominated by USAC and appointed by the Chancellor.
 - ii. They will be appointed for one to three years; however, each may serve until a successor is appointed.
 - iii. During the time of appointment, each student appointee must be a registered and enrolled student at UCLA during each quarter of service on the Committee except during summer periods.
 - iv. Each undergraduate student appointee must have at the time of appointment, and must maintain throughout their period of service on the Committee, a cumulative grade point average of not less than 2.0.
- e. No fewer than three graduate student members.
- i. The graduate student members may be nominated by GSA and appointed by the Chancellor.
 - ii. They will be appointed for one to three years; however, each may serve until a successor is appointed.
 - iii. During the time of appointment, each student appointee must be a registered and enrolled student at UCLA during each quarter of service on the Committee except during summer periods.
- f. Alumni members may be appointed by the Chancellor. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.

3. Training of the Student Conduct Committee

The Office of Student Conduct is responsible for providing all Student Conduct Committee members with orientation and training on University Policies (including the *UCLA Student Conduct Code*) and on how to conduct a hearing in a way that protects the safety of all participants, promotes accountability, and assures a fair, unbiased hearing for the accused Student.

4. Assignment of Student Conduct Committee Panel Members

A panel will consist of at least three but no more than five members of the Student Conduct Committee, one of whom must be a Chair. The accused Student may, for good cause, challenge the assignment of any particular committee member. The Hearing Coordinator will adjudicate all challenges to committee members.

5. Scheduling of Hearing

It is the intention of the Code that hearings be set as soon as reasonably possible after referral to the Student Conduct Committee.

The Hearing Coordinator will schedule a hearing of the case to be conducted no sooner than five Days after the date of Notice that the case was being referred to the Student Conduct Committee. Hearings are typically held on University business days. Hearings may be held on Saturdays, Sundays, or days on which the campus is closed, with mutual consent.

The Hearing Coordinator will give Notice of the time and place of the hearing and other relevant hearing information to the accused Student at least five Days prior to the date of the hearing.

The Dean and the accused Student must provide the Hearing Coordinator with relevant material, including the identities of all witnesses as well as copies of any documents which the parties intend to produce at the hearing at least three Days prior to the hearing. To the extent feasible, the Hearing Coordinator will make any materials available to the other parties in the matter two Days prior to the hearing. Any witnesses or materials not submitted to the Hearing Coordinator at least three Days prior to the hearing may be introduced in the hearing at the discretion of the Student Conduct Committee Chair.

6. Hearing Procedures

The accused Student will have the opportunity to present documents and witnesses, and to address all information being presented in the hearing. Specifically, the accused Student will have the opportunity to propose questions to be asked of witnesses who appear at the hearing in person, or by telephone or other electronic means, and to propose questions to be asked about documents and written statements presented in the hearing.

The accused Student may challenge the admission of any documents or written statements on the grounds that those documents or statements are unduly prejudicial. The Student Conduct Committee Chair will determine the appropriateness of all questions and the order of questioning. Whenever possible, the chair will ask questions as they are submitted by the Student and will not rephrase or change them unless the questions posed are inflammatory or intended to harass or intimidate a witness. The Chair may, however, exclude questions that are unduly repetitive, clearly not relevant, or unduly time consuming or inappropriate. The Student Conduct Committee Chair will determine the admissibility of documents and written statements.

The accused Student is responsible for presenting their information and may choose to be assisted by an Advisor of their own choosing.

Options for assistance may be discussed with the Dean, the Hearing Coordinator, or Student Legal Services. A small pool of trained volunteers is available to assist students, at no cost, with their preparation for the hearing. A student may request to be assisted by one of these

volunteer Advisors by submitting a request to the Hearing Coordinator.

If the accused Student does not speak in the hearing, no inferences can be drawn as a direct result of that silence.

The Student Conduct Committee Chair is responsible for the secure and orderly operation and administration of the hearing, and has the right to exclude persons from the hearing room if deemed necessary. All procedural questions are subject to the final decision of the Student Conduct Committee Chair.

Students with a qualified disability who believe they will require a reasonable accommodation in the hearing must contact and register with the Center for Accessible Education (CAE). CAE will provide the Hearing Coordinator with recommended accommodations. The Hearing Coordinator will either provide the recommended accommodations or work directly with CAE to discuss alternatives to the recommended accommodations.

At the Hearing Coordinator's discretion, another staff member may be present in the meeting to provide administrative or procedural support. The Hearing Coordinator will remain the primary point of contact for the Student.

7. Hearings in Absentia

If a Student does not attend the hearing, the case may proceed to disposition without the Student's participation.

For hearings involving alleged sexual harassment, sexual misconduct, domestic violence, dating violence and/or stalking, please see the *University of California Policy on Sexual Violence and Sexual Harassment*, any related Appendices and any local procedures currently in effect.

8. Standard of Proof

The Standard of Proof which will be used in hearings is that the University must prove that it is more likely than not that the student committed the misconduct of which the student is accused of. The Student Conduct Committee will deliberate in private and reach a decision based upon this standard. The Committee shall attempt to reach a unanimous decision, but the majority shall make the decision if the Committee cannot reach a unanimous decision.

9. Record of Hearing

The Hearing Administrator will make a single verbatim recording, such as a tape recording, of the hearing. (Deliberations shall not be recorded). This recording shall be the property of the University and will be maintained by the Hearing Coordinator as long as the Office of Student Conduct maintains the student discipline records (see Section V, Privacy and Records Retention).

The documents submitted by the parties and accepted by the Student Conduct Committee Chair will constitute the official record of the hearing, and will become part of the Student's conduct record.

10. Spectators

To protect the privacy of persons participating in the student conduct process, the hearing will be closed to spectators, including witnesses. Witnesses may only be present in the hearing when answering questions from the Student Conduct Committee.

However, the accused Student will be entitled, for support, to have up to two Support Persons of their choice accompany them to the hearing, in addition to the Advisor. A Support Person may not be called as a witness. The Student Conduct Committee Chair has the right to exclude Support Persons from the hearing room if deemed necessary for the secure or orderly conduct of the hearing.

11. Continuing Resolution Between the Student and the Dean

Until the Student Conduct Committee makes its report to the Dean of Students, the accused Student may make an admission of responsibility to the Dean assigned to the case. This disposition of the matter will bind all parties and terminate all proceedings.

12. Student Conduct Committee's Report and Recommendations from the Office of Student Conduct

At the conclusion of a hearing, the Student Conduct Committee Chair will provide the Hearing Administrator with:

- a. A summary of the allegations;
- b. A summary of the information presented;
- c. Whether, in the opinion of a majority of the Student Conduct Committee Panel, the accused Student has violated one or more of the University policies or campus regulations the accused Student has been charged with violating, or whether there has been Insufficient Information to sustain such a finding and the basis for that opinion; and

The Hearing Administrator will prepare a report to be provided to the Dean of Students which includes this information. This report will also include the recommended sanctions from the assigned Dean in cases where the Student Conduct Committee concludes that the accused Student has violated the Code. The assigned Dean will not recommend sanctions in cases where the Student Conduct Committees concludes that there is Insufficient Information that a violation occurred.

13. Decision by the Dean of Students or Designee

The decision regarding a case that has been heard by the Student Conduct Committee will be made by the Dean of Students or designee.

a. Basis for Decision

The Dean of Students or designee shall base their decision upon the report submitted by the Hearing Administrator including the findings of the Student Conduct Committee and any recommended sanctions provided by the assigned Dean in cases where the Student Conduct Committee concludes that the accused Student has violated the Code. Counsel may be solicited from the assigned Dean regarding sanctions imposed in similar cases and previous cases of misconduct by the Student on file with the Office of Student Conduct.

b. Notice of Decision

The Dean of Students will provide the Student and the assigned Dean with a copy of the hearing report and the Dean of Students' written decision not later than 12 Days after the conclusion of the hearing unless an extension is granted. In cases of alleged physical assault, the alleged victim of physical assault will receive written notification of the outcome of any disciplinary action or Agreement of Resolution by the University.

The Dean of Students may also notify other parties of their decision, or may direct the assigned Dean to do so, if there is an institutional interest in doing so, and if such parties are authorized to receive such information under the provisions of the *University of California Policies Applying to Campus Activities, Organizations, and Students*.

14. Appeal by the Accused Student

The accused Student will have five Days from the date of the letter of the Dean of Students' written notice of decision, unless an extension is granted, in which the Student may submit a written appeal to the VCSA or designee, challenging the Dean of Students' decision.

All appeals must clearly articulate and support the grounds for appeal. Appeal responses may be submitted by e-mail from the accused Student's Official University Email Account, or may be submitted in writing, to the Campus Hearing Coordinator, signed by the Student.

The three grounds on which a Student may appeal are:

a. The hearing was not conducted in accordance with the *UCLA Student Conduct Code* or the *UC Policy*. Deviations from designated procedures will not be a basis for sustaining a challenge unless the procedural error substantially impacted the finding or sanction.

b. There is new information, or other relevant facts, potentially sufficient to alter the findings, but that could not have been known to the Student at the time of the hearing.

c. The sanction(s) imposed are substantially disproportionate to the severity of the violation of the *UCLA Student Conduct Code* which the Student was found to have committed.

At the request of the Student, to assist in the preparation of an appeal, post-hearing access will be granted for the Student to review, but not copy, the hearing recording. Students must contact the Hearing Coordinator or designee prior to the date on which their appeal is due to schedule a meeting to review the recording. While reviewing the recording, students may be accompanied by the Advisor and/or Support Persons who accompanied them at the hearing.

L. Decision by the Vice Chancellor, Student Affairs or designee

The VCSA or designee will have 15 Days after the receipt of the appeal to deliver their written decision unless an extension is granted.

1. Basis for Decision

The VCSA or designee shall base their decision upon:

- a. The report submitted by the Hearing Administrator including the findings of the Student Conduct Committee and any recommended sanctions provided by the assigned Dean;
- b. Counsel solicited from the assigned Dean regarding sanctions imposed in similar cases and previous cases of misconduct by the Student on file with the Office of Student Conduct; and
- c. The content of any written appeal submitted by the accused Student.

2. Sanctions or Other Actions

The VCSA or designee may decide to impose one or more of the sanctions listed in Section III.G. The VCSA or designee is not limited to those sanctions recommended by the assigned Dean or those sanctions imposed by the Dean of Students. That decision may result in the imposition of more or less severe disciplinary action than imposed by the Dean of Students.

When an appeal is based on new information or other relevant facts that could not have been known to the accused Student at the time of the hearing, and which are deemed sufficient to alter a decision is successful, the VCSA or designee may opt to send the case back to the Student Conduct Committee to be reheard.

3. Notice of Decision

Written notice of the VCSA or designee's decision will be issued to the Student and to the Dean. In cases of alleged physical assault, the alleged victim will receive written notification of the outcome of any disciplinary action or Agreement of Resolution by the University. The VCSA or designee may also notify other parties of the decision, or may direct the Dean to do so, if there is an institutional interest in doing so, and if such parties are authorized to receive such information under the provisions of the University of California Policies Applying to Campus Activities, Organizations, and Students.

The decision of the VCSA or designee is final.

IV. Interim and Emergency Measures

A. Interim Suspension

Before final determination of alleged misconduct, an Interim Suspension may be imposed by the Dean. Interim Suspension, as defined in Section 105.08 of the University of California Policies Applying to Campus Activities, Organizations, and Students, may include exclusion from classes or from other specified activities or areas of the campus.

A student will be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

1. Not more than twenty-four hours after the imposition of the Interim Suspension, the Chancellor or designee will review the information upon which the Interim Suspension was based. If the Chancellor or designee does not affirm the Interim Suspension within twenty-four hours of its imposition, the Interim Suspension will be deemed void and a reasonable effort will be made to inform the Student who was suspended that the Interim Suspension is void. Should the Interim Suspension be voided, that will have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the imposition of the Interim Suspension. Any such disciplinary proceedings will be conducted under the normal procedures provided by the *UCLA Student Conduct Code*. For violations involving sexual harassment and sexual violence, disciplinary proceedings will be conducted pursuant to the *University of California Policy on Sexual Violence and Sexual Harassment*, any related Appendices and any local procedures currently in effect.

2. Upon imposition of the Interim Suspension, the Dean will notify the Student under the Interim Suspension of the charges against the Student, the length and conditions of the Interim Suspension, and the opportunity for a hearing with the Dean of Students, or designee, to challenge the Interim Suspension.

3. Hearings to review Interim Suspensions will have scheduling priority. The Student may be assisted at the hearing by a Support Person of the Student's choosing and at the Student's expense. The Student may present information in support of the contention that the Interim Suspension is unnecessary or that its conditions should be modified. The Dean of Students or designee is authorized to investigate the facts which gave rise to the Interim Suspension and may lift the Interim Suspension or modify its conditions. Within three Days of the conclusion of the hearing, the Dean of Students or designee will determine:

- a. if the Interim Suspension is necessary; and
- b. if its conditions should be modified.

The result of this hearing will have no bearing on other University disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension.

Any such disciplinary proceedings may be conducted under the normal procedures provided in the *UCLA Student Conduct Code*. For violations involving sexual harassment and sexual violence, disciplinary proceedings will be conducted pursuant to the *University of California Policy on Sexual Violence and Sexual Harassment*, any related Appendices and any local procedures currently in effect.

B. Interim Exclusion

Before final determination of alleged misconduct, Interim Exclusion may be imposed by the Dean. Interim Exclusion, as defined in Section 105.08 of the University of California Policies Applying to Campus Activities, Organizations, and Students, may include exclusion from classes or from other specified activities or areas of the campus. A student will be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

1. Not more than twenty-four hours after the imposition of the Interim Suspension, the Chancellor or designee will review the information upon which the Interim Suspension was based. If the Chancellor or designee does not affirm the Interim Exclusion within twenty-four hours of its imposition, the Interim Exclusion will be deemed void and a reasonable effort will be made to inform the Student who was excluded that the Interim Exclusion is void. Should the Interim Exclusion be voided, that will have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Interim Exclusion. Any such disciplinary proceedings will be conducted under the normal procedures provided by this policy.
2. For violations involving sexual harassment and sexual violence, disciplinary proceedings will be conducted pursuant to the *University of California Policy on Sexual Violence and Sexual Harassment*, any related Appendices and any local procedures currently in effect.
3. Upon imposition of the Interim Exclusion, the Dean will notify the Student under the Interim Exclusion of the charges against the Student, the length and conditions of the Interim Exclusion, and the opportunity for a hearing with the Dean of Students, or designee to challenge the Interim Exclusion.

4. Hearings to review Interim Suspensions will have scheduling priority. The Student may be assisted at the hearing by a Support Person of the Student's choosing and at the Student's expense. The Student may present information in support of the contention that the Interim Suspension is unnecessary or that its conditions should be modified. The Dean of Students, or designee is authorized to investigate the facts which gave rise to the Interim Exclusion and may lift the Interim Exclusion or modify its conditions. Within three Days of the conclusion of the hearing, the Dean of Students, or designee will determine

a) if the Interim Exclusion is necessary; and

b) if its conditions should be modified.

The result of this hearing will have no bearing on other University disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension. Any such disciplinary proceedings will be conducted under the normal procedures provided in this policy. For violations involving sexual harassment and sexual violence, disciplinary proceedings will be conducted pursuant to the *University of California Policy on Sexual Violence and Sexual Harassment*, any related Appendices and any local procedures currently in effect.

C. Emergency Suspension

During a state of emergency, the Chancellor or a designated representative may impose Emergency Suspension on a student as described in Section 53.00 of the *University of California Policies Applying to Campus Activities, Organizations, and Students* when there is reasonable cause to believe:

1. The individual has participated in a disturbance of the peace or unlawful assembly, or has acted in violation of the campus emergency orders, has committed an act of physical violence, or has threatened to commit such an act, or has committed a theft or has damaged property; or.

2. The individual's presence on campus will lead to violation of campus emergency orders, violence, intimidation, damage to property, or other disruptive activity incompatible with the orderly operation of the campus.

If Emergency Suspension is imposed by a designated representative of the Chancellor, such representative will immediately inform the Chancellor and will submit a written report on the action to the Chancellor as soon as it is reasonably possible. The report will contain a description of the person suspended, including the person's name and, if available, address and telephone number, and a statement of the facts giving rise to the Suspension. If the Chancellor does not affirm the action of the designated representative within twenty-four hours after being informed that the Emergency Suspension has been imposed, the Emergency Suspension will be deemed void and a reasonable effort will be made to inform the person who was suspended that the Emergency Suspension is void.

a. Any Student placed on Emergency Suspension will be given Notice of Emergency Suspension, either by delivering it to the individual personally, by mailing it to the individual's last known address of record, or by sending it to their Official University Email Account. The Notice of Emergency Suspension will inform the individual of the procedures by which the validity of the Emergency Suspension can be appealed, including the opportunity to obtain a special hearing on the Emergency Suspension. If an individual is found to have been unjustifiably placed on Emergency Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist such an individual who has been disadvantaged in employment or academic status.

b. Any Student placed on Emergency Suspension will not, during the period of Emergency Suspension, enter upon specified areas of the campus or engage in specified activities, as set forth in the Notice of Emergency Suspension.

The exclusion or restriction will be limited to the minimum extent necessary to protect the health and safety of persons or property, or to maintain the orderly operation of the campus.

c. The outcome of the appeal will have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Emergency Suspension.

d. Violation of any condition set forth in the Notice of Emergency Suspension will subject the individual to disciplinary proceedings based upon such violation.

V. Privacy and Records Retention

Student conduct records are confidential. The disclosure of information from such records is subject to section 130.00 of the *University of California Policies Applying to Campus Activities, Organizations and Students*, *UCLA Policy 220 – Disclosure of Information From Student Records* to the California Information Practices Act, and to the Family Educational Rights and Privacy Act.

In cases where the final disposition is Dismissal or Revocation of Degree, the Office of Student Conduct retains student conduct records for fifty years from the end of the fiscal year in which the Notice of final disposition was issued.

For cases that do not result in dismissal but which are required to be included in the *UCLA Jeanne Clery Crime Statistics Report*, the Office of Student Conduct retains student conduct records for seven years from the end of the academic year in which the Notice of final disposition was issued, provided there are no incomplete sanctions or conditions; no student conduct records will be destroyed while there are outstanding holds, sanctions or conditions, or when the matter is pending or on hold. Student conduct records in all other cases are retained for five years from the end of the academic year in which the Notice of final disposition was issued, provided there are no incomplete sanctions or conditions; no student conduct records will be destroyed while there are outstanding holds, sanctions or conditions,

or when a matter is pending or on hold. When there have been repeated violations of the *UCLA Student Conduct Code*, all student conduct records pertaining to an individual student will be retained for five years (seven years for cases which are required to be included in the *UCLA Jeanne Clery Crime Statistics Report*) from the end of the academic year in which the Notice of final disposition was issued in the most recent case.

During the record retention period described above, upon receipt of a request from professional schools, graduate programs, employers, or others, for the disciplinary records of a student, after the student provides an appropriate confidentiality waiver (where applicable), the Office of Student Conduct will only report and/or release records only where violations resulted in a sanction of deferred suspension, suspension, deferred dismissal, dismissal, or revocation of a degree.

VI. Amendment and Modification

Amendment of the *UCLA Student Conduct Code* may be made by the Chancellor in consultation with students, faculty, staff, and the Office of Student Conduct. Prior to adoption, such amendments will be submitted to the Office of the President for review for consistency with the policies of the University of California and state and federal law.